

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 JACQUIN ENRIQUE TAYLOR,

4 Plaintiff,

Case No. 3:21-cv-00434-ART-CSD

5 v.

6 PERRY RUSSELL,

7 Defendant.

ORDER

8 *Pro se* Plaintiff Jacquin Enrique Taylor brings this action under 42 U.S.C.
9 § 1983 alleging that Defendant Perry Russell violated his Eighth Amendment
10 rights through deliberate indifference to unsafe prison conditions by failing to
11 follow or enforce COVID-19 safety protocols. Before the Court is the Report and
12 Recommendation (“R&R” or “Recommendation”) of United States Magistrate
13 Judge Craig S. Denney (ECF No. 33), recommending that Defendant’s Motion for
14 Summary Judgment (ECF No. 30) be granted. Plaintiff did not oppose
15 Defendant’s Motion for Summary Judgment. Plaintiff had until October 6, 2023
16 to file an objection. To date, no objection to the R&R has been filed. For this
17 reason, and as explained below, the Court adopts the R&R, and will grant
18 Defendant’s Motion for Summary Judgment.

19 The Court “may accept, reject, or modify, in whole or in part, the findings
20 or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where
21 a party fails to object to a magistrate judge’s recommendation, the Court is not
22 required to conduct “any review at all . . . of any issue that is not the subject of
23 an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *see also United States v.*
24 *Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) (“*De novo* review of the
25 magistrate judges’ findings and recommendations is required if, but *only* if, one
26 or both parties file objections to the findings and recommendations.”) (emphasis
27 in original); Fed. R. Civ. P. 72, Advisory Committee Notes (1983) (providing that
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1 the Court “need only satisfy itself that there is no clear error on the face of the
2 record in order to accept the recommendation”).

3 Because there is no objection, the Court need not conduct de novo review
4 and is satisfied Judge Denney did not clearly err. Here, Judge Denney
5 recommends granting Defendant’s Motion for Summary Judgment because
6 Plaintiff failed to exhaust administrative remedies before filing a complaint with
7 this Court. (ECF No. 33 at 5.) Plaintiff did not file a response to Defendant’s
8 Motion for Summary Judgment pointing to any evidence of exhaustion. The
9 Court therefore agrees with Judge Denney. Having reviewed the R&R and the
10 record in this case, the Court will adopt the R&R in full.

11 IT IS THEREFORE ORDERED that Judge Denney’s Report and
12 Recommendation (ECF No. 33) is accepted and adopted in full.

13 IT IS FURTHER ORDERED that Defendant’s Motion for Summary
14 Judgment (ECF No. 30) is GRANTED.

15 The Clerk of the Court is directed to enter judgment accordingly.
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17 DATED THIS 27th day of March 2024.
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20 ANNE R. TRAUM
21 UNITED STATES DISTRICT JUDGE
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